

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL HERNANDEZ,

No. C 08-4085 SI (pr)

Petitioner,

**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

v.


KELLY HARRINGTON, Acting Warden,

Respondent.

The court denied a certificate of appealability in its July 1, 2011 Order Denying Habeas Petition and Denying Certificate of Appealability. Thereafter, petitioner filed an application for a certificate of appealability. A certificate of appealability will not issue. Reasonable jurists would not "find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). The application for a certificate of appealability is DENIED. (Docket # 35.) All further motions should be filed in the U.S. Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

DATED: September 13, 2011

  
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SUSAN ILLSTON  
United States District Judge